

Autumn 2024

Report

# Water Services Strategic Plan 2050

AA Determination Statement



# Safeguarding our water for our future

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# 1 Introduction and Background

This Appropriate Assessment (AA) Determination Statement is provided for the public and relevant bodies to establish that an AA has been conducted in relation to Uisce Éireann's Water Services Strategic Plan 2050 (WSSP), in accordance with relevant legislation.

The EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora in particular the provisions of Article 6(3), as transposed into Irish law through the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) as amended (2011 Regulations), sets out the requirement for AA.

In the context of Article 6(3), an AA screening must be carried out to assess whether, on the basis of objective scientific information the plan, individually or in-combination with other plans or projects, is likely to have a significant effect on a European site.

Specifically, Regulation 42(1) of the 2011 Regulations states:

*"Subject to Regulation 42A, a screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site."*

(Regulation 42A applies to situations where the Minister for Housing, Local Government and Heritage is the relevant public authority for the purposes of Appropriate Assessment, which is not relevant to the WSSP 2050).

Regulation 42(6) of the 2011 Regulations goes on to provide that:

*"The public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site."*

The AA screening carried out in relation to the draft WSSP 2050 determined that it could not be excluded, on the basis of objective scientific information, that the WSSP 2050, individually or in-combination with other plans and projects, would have a significant effect on a European site(s). Accordingly, the AA screening determined that full AA of the WSSP 2050 in view of the relevant sites' conservation objectives was required.

Regulation 42(16) of the 2011 Regulations provides that a public authority shall undertake or adopt a plan only after having determined that the relevant plan shall not adversely affect the integrity of a European site.

To inform its determination on AA, in accordance with the 2011 Regulations, Uisce Éireann prepared a Natura Impact Statement (NIS), which is a report comprising the scientific examination of the WSSP 2050 and the relevant European Site or European Sites, to identify and characterise any possible implications of the WSSP 2050 individually or in combination with other plans or projects in view of the conservation objectives of the site or sites, and any further information including, but not limited to, any plans, maps or drawings, scientific information or data required to enable the carrying out of an AA.

In carrying out the AA, the 2011 Regulations require Uisce Éireann to take into account each of the following matters:

- the NIS;

- any other plans that may, in-combination with the WSSP 2050, adversely affect the integrity of a European site;
- any supplemental information furnished in relation to any such report or statement;
- if appropriate, any additional information sought by the authority and furnished by the applicant in relation to the NIS;
- any information or advice obtained by the public authority;
- if appropriate, any written submissions or observations made to the public authority in relation to the WSSP 2050; and
- any other relevant information.

The methodology and guidance documents for undertaking the assessment is presented in Chapter 2 of the NIS. European Sites potentially affected are presented in Chapter 4 and listed in Appendix A of the NIS. A full list of the Conservation Objectives (COs) and Qualifying Interests (QIs)/Special Conservation Interests (SCIs) that each European site is designated for, as well as the attributes and targets to maintain or restore the QIs/SCIs to a favourable conservation condition are available from the National Parks and Wildlife Service (NPWS) website and used in the assessment. Plans with potential in-combination effects are assessed in Chapter 7 of the NIS. No further supplemental information was used (or furnished) and no additional information or advice was sought in relation to the NIS. The full documentation pack is available at <https://www.water.ie/projects/strategic-plans/water-services-strategic>.

## 2 The Water Services Strategic Plan 2050

Uisce Éireann is responsible for the operation of all public water and wastewater services in Ireland. The Water Services Strategic Plan 2050 (WSSP 2050) is Uisce Éireann's long-term strategic plan, which Uisce Éireann is required to prepare under the Water Services No. 2 Act 2013. It sets out Uisce Éireann's objectives and the means by which they will aim to achieve them in the context of the significant challenges they are likely to face over the next 25 years to 2050. The plan outlines Uisce Éireann's strategic direction and the actions they will implement to ensure sustainable water services for Ireland.

Uisce Éireann have considered the possible long term future scenarios and challenges that are likely to emerge taking account of the global megatrends through their Vision 2050 study. As a result, they have developed four strategic objectives to address the key challenges.

- Safe and reliable drinking water: We ensure the quality of our water supplies are safe, and we deliver a water service that customers, communities, and the broader economy can rely on.
- Support our customers, communities and the economy: We strive to provide an excellent service to our customers, and work with our stakeholders to deliver aligned priorities and support sustainable growth.
- Protect and restore the environment: We deliver a reliable water and wastewater service that protects the environment, and we support a healthy environment by enhancing habitats and ecosystems.
- Sustainable services fit for the future: We make decisions for the long-term which enable us to adapt and ensure our assets remain resilient.

Accompanying the four **strategic objectives** are fourteen **strategic aims** that will help Uisce Éireann to address their most critical challenges and ensure that they continue to deliver water services for the long term. Underpinning the objectives and aims are 35 **actions** which define the activities Uisce Éireann will need

to implement to collectively manage the challenges Uisce Éireann faces over the next 25 years. The actions outline the direction of travel and steps for Uisce Éireann over the next ten years to deliver on their long-term objectives.

As previously stated, the WSSP 2050 is Uisce Éireann's long-term strategic plan, setting out their objectives to 2050 and the actions they will implement that will aim to deliver these objectives. The WSSP 2050 is the second WSSP following on from WSSP 2015. It builds on the plans and programmes delivered under the WSSP 2015, as well as outlining new approaches and actions to deliver obligations under new legislation and to respond to policy shifts and emerging challenges.

As indicated above, the strategic objectives have a combined total of 14 strategic aims and underpinning these are the 35 actions which outline the programme of work to be delivered. The strategic objectives and aims of the WSSP 2050 are outlined below.

### Strategic Objective 1: Safe and Reliable Drinking Water

Since the publication of the first WSSP in 2015, Uisce Éireann have made significant progress towards ensuring the availability of safe and reliable drinking water in Ireland. This includes the publication of the first National Water Resources Plan (NWRP), identifying how a safe, sustainable, secure and reliable water supply whilst safeguarding the environment will be provided both now and into the future. Over the period to 2050, a set of strategic aims and actions have been defined to continue to supply safe and reliable drinking water. These strategic aims are:

- **Ensuring safe drinking water:** We will manage the safety and quality of drinking water from source to tap to protect human health.
- **Delivering reliable water supplies:** We will improve our assets and sources to ensure our supplies are robust enough to meet our customers' needs at the target level of service.
- **Conserving our precious resources:** We will take pressure off our resources through leakage reduction and helping our customers to conserve water.

### Strategic Objective 2: Support our Customers, Communities and the Economy

Since the publication of the first WSSP in 2015, Uisce Éireann has made significant progress in supporting its customers, communities and the economy. Uisce Éireann's approach is to put customers first, to make a difference in communities which can help achieve long-term goals through catchment-based approaches. To address some of the issues around supporting customers, community and the economy Uisce Éireann have defined a set of strategic aims and actions. These strategic aims are:

- **Delivering for customers:** We will put our customers at the heart of what we do and deliver on their needs.
- **Engaging with communities:** We will engage with communities at a local level to realise the value from our shared water resources.
- **Providing for growth:** We will manage the availability of capacity to support housing and the economy in line with national policy.

### Strategic Objective 3: Protect and Restore our Environment

Since the publication of the first WSSP in 2015, Uisce Éireann has made significant progress in protecting and restoring the environment through improvements to existing and development of new infrastructure. The provision of water and wastewater services which not only avoid damaging but also enhance the environment is vital to safeguard the well-being of current and future generations. To address some of the issues around biodiversity conservation and the environment Uisce Éireann have defined a set of strategic aims and actions to guide them. These strategic aims are:

- **Protecting our water environment:** We will play our part in protecting and restoring our water environment.
- **Playing our part under the Water Framework Directive:** We will work with others to progressively deliver on Water Framework Directive (WFD) objectives.
- **Contributing to positive biodiversity:** We will manage our assets to have biodiversity net gain.

#### Strategic Objective 4: Sustainable Services Fit for the Future

Ensuring sustainable water services is key to securing safe water and a protected environment for future generations. Uisce Éireann will aim to deliver sustainable water services by becoming a net zero carbon utility, maximising resource recovery and value from innovation and optimising asset lifecycle management. This will be underpinned by securing long-term funding. To address some of the issues around sustainability, future uncertainty, data and resilience Uisce Éireann have defined a set of strategic aims and actions to guide them. These strategic aims are:

- **Achieving net zero carbon:** We will progressively work towards achieving net zero carbon services.
- **Adopting circular approaches:** We manage our assets to maximise resource recovery and resource efficiency and minimise waste.
- **Managing our assets:** We will manage the risk and resilience of our services through best practice asset management.
- **Gaining value from innovation:** We will drive research and innovation to deliver value and meet future challenges.
- **Securing long-term funding:** We will work with our stakeholders to secure long-term funding for efficient and resilient services.

### 3 Potential Impacts

The screening for AA identified activities of Uisce Éireann which can, by themselves or in-combination with other plans and projects, affect European sites in light of their conservation objectives.

Activities were categorised into two broad groups, and these related to either water supply or wastewater treatment. Other activities with potential for impacts include water conservation and demand management, catchment management and other supporting or associated measures as well as property management.

Specific activities included raw water abstraction (from surface or groundwater); treatment, storage and distribution of water; water treatment residuals management; collection and treatment of wastewater and surface water; discharge of wastewater; and wastewater sludge management. Additionally, there is the construction, operation, maintenance and management of the facilities relating to the above.

The AA Screening/AA identified that the implementation of the WSSP 2050 may give rise to lower tier plans and/or interventions/developments that could result in a variety of possible effect pathways, including but not limited to:

- species mortality;
- habitat loss and/or fragmentation;
- barriers to species movement;
- disturbance (noise, vibration, movement, lighting);

- changes in water quality;
- changes in hydrology or hydrogeology; and
- transfer of non-native species.

Impacts may be short-term or long-term and, in some cases, short-term impacts may have long term effects on a qualifying interest (a species or a habitat).

## 4 Guidance Documents and Information Sources

The following guidance documents and information sources have been used:

### Guidance Documents

- Appropriate Assessment Screening for Development Management. Office of the Planning Regulator (OPR) Practice Note PN01 (2021).
- AA of Plans and Projects in Ireland: Guidance for Planning Authorities. DoEHLG (2010).
- Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. European Commission (2021).
- Communication from the Commission on the Precautionary Principle. European Commission (2000).
- Guidance Document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission. European Commission (2007).
- Guidance document on Assessment of plans and projects in relation to Natura 2000 sites, A summary. European Union, 2022,
- Marine Natura Impacts Statements in Irish Special Areas of Conservation. A working Document. Department of Arts, Heritage & the Gaeltacht (DAHG) (2012).
- Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. European Commission (2018).

### Departmental/National Parks and Wildlife Services (NPWS) Circulars

- AA under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPWS 1/10 and PSSP 2/10.
- AA of Land Use Plans. Circular Letter SEA 1/08 & NPWS 1/08.
- Compliance Conditions in respect of Developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites. Circular Letter PD 2/07 and NPWS 1/07.
- Guidance on Compliance with Regulation 23 of the Habitats Directive. Circular Letter NPWS 2/07.
- Water Services Investment and Rural Water Programmes – Protection of Natural Heritage and National Monuments. Circular L8/08.

### Data Sources Informing the AA Screening

- Online data available on European Sites as held by the NPWS from [www.npws.ie](http://www.npws.ie) – including site synopsis, conservation objectives and other relevant supporting documentation. SAC and SPA datasheet versions were dated 14 May 2024.



- GIS data for European Site boundaries obtained in digital format online from the NPWS (downloaded July 2023).
- Favourable reference ranges and tabulated threats and pressures for QI species/habitats in the NPWS latest national conservation status assessments (The Status of EU Protected Habitats and Species in Ireland, Volumes 1-3, NPWS, 2019).
- Birds of Conservation Concern in Ireland 4: 2020–2026 (Gilbert G, Stanbury A and Lewis L, 2021; Irish Birds 43: 1-22).
- Water Framework Directive, Programme of Measures, High Status Sites; Annex IV Protected Areas: Water Dependent Habitats and Species. December 2008 (Mayes, 2008).
- Online data available on European Sites as held by the Department of Agriculture, Environment and Rural Affairs (DAERA) from <https://www.daera-ni.gov.uk/services/searching-protected-areas> including the DAERA natural environment map viewer <https://www.daera-ni.gov.uk/services/natural-environment-map-viewer>.
- Online information on Ramsar sites held by the UK Joint Nature Conservation Committee at <https://jncc.gov.uk/our-work/ramsar-sites/>.
- Article 17 Habitats Directive Report 2019: Habitat Conservation Status Assessments 2019 (JNCC, 2024a).
- Article 17 Habitats Directive Report 2019: Species Conservation Status Assessments 2019 (JNCC, 2024b).

## 5 AA Screening and AA

An AA screening was conducted on the Draft WSSP 2050. The report identified that Uisce Éireann as a public authority is required under the Habitats Regulations to screen all of their plans and projects and that the Draft WSSP 2050 was therefore subject to the requirements of the Regulations.

The AA Screening report concluded that the Draft WSSP 2050 was not directly connected to or necessary to the management of any European Site. Furthermore, it concluded that Likely Significant Effects (LSEs) were possible as a result of the Draft WSSP 2050. The report identified that the Draft WSSP 2050 would not itself, being a high-level plan, result in LSEs. However, the types of activities that Uisce Éireann would be responsible for during and resulting from the implementation of the Draft WSSP 2050 may do.

Given the strategic nature of the Draft WSSP 2050 and the stage of its preparation at that time, it was also concluded that all European Sites across Ireland and Northern Ireland were required to be screened in as, in the absence of more detailed information on the Draft WSSP 2050, the precautionary principle had to be applied.

It was therefore concluded that, in accordance with Article 6(3) of the Habitats Directive, a Stage 2 AA of the Draft WSSP 2050 would be required.

At Stage 2 of the AA process the assessment evaluated the potential of the WSSP 2050 to adversely affect the integrity of European sites across Ireland and Northern Ireland, taking account of the potential for direct, indirect and cumulative impacts alone or in-combination with other plans and projects. Transboundary impacts to Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites were also considered.

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of annexed habitats and annexed species of community interest for which an SAC or SPA has been designated. The Conservation Objectives for a European site are set out to ensure that the Conservation Objectives and Qualifying Interests/Special Conservation Interests of a site are maintained or restored to a favourable conservation condition. Maintenance of favourable conservation condition of habitats and species at a site level in turn contributes to maintaining or restoring favourable conservation status of habitats and species at a national level and ultimately at the European site network level. The Conservation Objectives and Qualifying Interests/Special Conservation Interests of sites were taken into consideration in the AA.

A high-level assessment of impact sources and potential effect pathways of Uisce Éireann's activities was undertaken. It was concluded that the four strategic objectives are high level in nature and are also general statements of policy; they express expectations of Uisce Éireann for when they consider future proposals. It was therefore concluded that the strategic objectives, in themselves, would not be likely to have an adverse effect on a European Site. However, it was noted that strategic objective 3 (*Protect and restore the environment*) may provide opportunities for positive effects on European Sites.

The 14 strategic aims associated with the four strategic objectives are also general policy statements. Whilst more specific than the over-arching strategic objectives they do not indicate where, when or how the aspects of the four strategic objectives may be implemented. However, the actions that underlie them required further assessment to ensure any possible adverse effects are recognised, and that mitigation strategies for these effects are identified.

It was determined that implementation of the WSSP 2050 through the actions may give rise to lower tier plans and/or interventions/developments that, in the absence of mitigation, could result in a variety of possible effect pathways as indicated in Section 3.

For 16 actions it was concluded that there would be no conceivable effects on European Sites. However, 14 actions were associated with the production of lower tier plans, the development of interventions, or the identification of a need for interventions, and it was conceivable that such lower tier plans/interventions could result in effects on sites. Seven actions (1.9, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8) were also identified where it was concluded that beneficial effects on European Sites might occur, although six of these might also result in adverse effects via lower tier plans/developments. Only one action (3.4) was concluded to potentially result in beneficial effects alone on European Sites. Action 3.7 (*Manage our assets to have biodiversity 'net gain'*) was concluded likely to have positive effects on European sites, but advice received during consultation indicated that any outcomes of this action should be screened in accordance with the Habitats Directive to ensure the precautionary principle was applied. Similarly, for action 3.8 it was also determined that any outcomes would need to comply with the Habitats Directive even though those outcomes could potentially be beneficial to European sites.

No actions were identified as resulting in adverse effects alone. However, two actions (1.4 and 4.3) were identified where existing mitigation measures already identified in lower tier plans would require to be complied with to avoid adverse effects on European Sites.

The AA also identified the possibility for transboundary implications associated with actions 2.5, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8.

## **6 Avoidance and Reduction of Impacts**

As the WSSP 2050 is a strategic document, the actions of the WSSP 2050 do not indicate where, when or how the four strategic objectives may be implemented. As a result, overarching measures to address any potential adverse effects are appropriate.

Where the AA concluded that lower tier proposals and/or interventions of an action may conceivably result in adverse effects, including those of a transboundary nature, all these lower tier proposals and/or interventions will be required to comply with the Habitats Regulations and undergo AA where necessary. This was the required mitigation for 16 of the 35 actions, including two actions where positive effects on biodiversity were a potential outcome. For two further actions it was noted that identified mitigation measures within existing subsidiary plans of the WSSP 2050 should be complied with to avoid any adverse effects on site integrity.

As stated in Section 5, the AA also identified the possibility for transboundary implications associated with seven actions. For these actions, where a need for assessment under the Habitats Regulations was identified, it would also be necessary to consult Natural Environment Division (NED) in Northern Ireland to ensure there would be no potential for impacts/effects on European Sites (including Ramsar sites) in Northern Ireland.

## 7 In Combination Assessment

Under Article 6(3) of the Habitats Directive, an assessment of 'in-combination' effects of the WSSP 2050 with other plans and projects is required (see Section 8 in the WSSP 2050 NIS). Given the strategic nature of the plan the assessment of in-combination effects focused on other high-level/strategic plans, other Uisce Éireann plans, and other related plans, as listed below:

- National Planning Framework, Project Ireland 2040, National Development Plan 2021-2030.
- Ireland's 4th National Biodiversity Action Plan 2023-2030
- National Strategic Plan for Sustainable Aquaculture Development 2030
- Ag Climatise, A Roadmap towards Climate Neutrality (2020)
- Catchment Flood Risk Assessment and Management (CFRAM) Programme
- Climate Action Plan (2023, 2024)
- Forest Strategy Implementation Plan including the Forestry Programme 2023-2027
- National Adaptation Framework, Planning for a Climate Resilient Ireland (2018)
- National Marine Planning Framework (2021)
- National Peatlands Strategy 2015
- River Basin Management Plan for Ireland 2022 – 2027 (Water Action Plan 2024)

The assessment included plans and acts relating to Northern Ireland and the UK:

- Towards an Integrated Coastal Zone Management Strategy for Northern Ireland 2006 – 2026
- Sustainable Water – A Long term water strategy for Northern Ireland (2015 –2040)
- Draft Marine Plan for Northern Ireland (2018)
- Northern Ireland Water – Our Draft Strategy 2021-2046
- Water Resource and Supply Resilience Plan (2020)
- Draft Environment Strategy for Northern Ireland (2021)
- NI Draft Flood Risk Management Plan 2021-2027
- Draft 3rd cycle River Basin Management Plan 2021-2027
- UK Marine Policy Statement (2011)

- The Marine and Coastal Access Act 2009
- The Marine Strategy Regulations 2010
- The Marine Act (Northern Ireland) 2013

Consideration was given to the relevant plans and acts that have clear potential to have an in-combination effect with the WSSP 2050 upon European sites. This included additional plans/acts advised to be included as a result of the consultation process. This assessment used the best available information at the time of writing and Uisce Éireann is satisfied that given the high-level nature of the WSSP 2050, there are no gaps in the information required for the AA. The potential impacts of the plans and their in-combination effects were assessed by desktop study.

The assessment found that for four plans in-combination effects were conceivable. However, it was not possible to determine what effects there might be, either because a plan was too high-level for specific projects to be identified, options/projects of a plan had yet to be developed, or because of an absence of assessment associated with a plan.

For one plan, the *NI Draft Flood Risk Management Plan 2021-2027*, in-combination effects were noted to be possible, but the precise effects and locations of these could not be identified as interventions associated with the plan has not been developed. However, it was concluded that the mitigation identified in Section 6 – *all lower tier proposals and/or interventions will be required to comply with the Habitats Regulations and undergo AA where necessary* – together with the requirement to consult with NED, would be sufficient to avoid any adverse effects on site integrity, and no additional mitigation was required.

## 8 Consultation

The NIS for the draft WSSP 2050 has been issued for public consultation and all comments and submissions received were reviewed. Where appropriate, comments and submissions were incorporated into the WSSP 2050 and/or the NIS was updated. A total of 110 submissions were received as part of the second stage of consultation, and these are presented in summary in the *Public Consultation Report for the Draft WSSP 2050*. Material changes were required to the assessment in the NIS in response to consultation which resulted in changes to one of the actions of the WSSP 2050. Further amendments were required to the NIS in response to submissions and observations on that document.

## 9 Determination

Uisce Éireann is satisfied that given the high-level nature of the WSSP 2050 that no additional information was required for the assessment and that the information presented in the NIS was sufficient for a complete, precise and definitive assessment to be carried out with no lacunae or gaps. As competent authority, Uisce Éireann is satisfied that the WSSP 2050 will not result in adverse effects on the integrity of any European site in view of their conservation objectives, either alone or in-combination with other plans.

This decision is based on the following considerations:

- assessment and conclusions as presented in the NIS which was written with the best available scientific information at time of writing;
- other relevant plans that may in-combination with the WSSP 2050, adversely affect the integrity of a European Site;

- no supplemental information was furnished in relation to any such report or statement, as Uisce Éireann was satisfied that no such supplemental information was required to enable Uisce Éireann to carry out the AA;
- as the AA concerned a plan and not a project, there was no additional information sought by Uisce Éireann from an applicant;
- no other information or advice was obtained by Uisce Éireann, as Uisce Éireann was satisfied that no such information or advice was necessary to enable Uisce Éireann to carry out the AA;
- the written submissions or observations made to Uisce Éireann in relation to the WSSP 2050, to the extent relevant to AA matters, as detailed in the *Public Consultation Report for the Draft WSSP 2050* report were taken on board; and
- Uisce Éireann was satisfied that no other information was required for Uisce Éireann to carry out the AA.

